



**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the matter of the application of the           )  
City of Springfield, Missouri, through        )  
the Board of Public Utilities, for a           )  
certificate of service authority to provide    )  
non-switched local exchange and intrastate   )  
interexchange telecommunications services    )  
to the public within the State of Missouri    )  
and for competitive classification.           )

Case No. TA-97-313

**APPLICATION**

Comes now the City of Springfield, Missouri, through the Board of Public Utilities (hereinafter "Applicant" or "City Utilities"), pursuant to Article XVI of the City Charter of the City of Springfield, Missouri, Sections 392.361, 392.420, 392.440 RSMo 1994, Section 392.410 RSMo Supp. 1996, and 4 CSR 240-2.060(4), and files this verified application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide non-switched local exchange and intrastate interexchange telecommunications services pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo 1994, consistent with the Commission's past treatment of other certificated providers of competitive telecommunications services.

In support of its request, Applicant states:

1. Applicant is a constitutional charter city existing and operating pursuant to Article VI, Sections 19 and 19(a) of the Constitution of the State of Missouri. Applicant provides utility services to the public through its Board of Public Utilities pursuant to Article XVI of

**FILED**

**FEB 11 1997**

**MISSOURI**

the City Charter of the City of Springfield, Missouri. In lieu of Missouri Secretary of State corporation certificates, attached hereto, marked Appendix A and incorporated herein by reference are copies of relevant provisions of Applicant's City Charter. Applicant's principal office and place of business is located at 301 East Central, P.O. Box 551, Springfield, Missouri 65801-0551.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Charles Brent Stewart  
French & Stewart Law Offices  
1001 Cherry Street  
Suite 302  
Columbia, Missouri 65201  
(573) 499-0635

William A. R. Dalton  
General Counsel  
City Utilities of Springfield, Missouri  
P.O. Box 551  
Springfield, Missouri 65802  
(417) 831-8604

3. Applicant proposes to provide to business and commercial customers within the state of Missouri: (a) local exchange telecommunications service, specifically, non-switched, dedicated point-to-point and point-to-multipoint private line telecommunications services, which both originate and terminate within an exchange; and (b) intrastate interexchange telecommunications service. Applicant will utilize its own state-of-the art fiber optic facilities, or purchase for resale, the services or facilities of other carriers in order to provide the services sought to be provided in this Application. Applicant's proposed services herein are virtually identical to the types of services which have routinely been authorized by the Commission for numerous other competitive carriers (IXCs) upon verified application without the need for evidentiary hearings (e.g. Fiber Four Corporation, Case No. TA-96-376; Kansas City Fiber Network, L.P., Case No. TA-95-221; Digital Teleport, Inc., Case No. TA-92-145). At this time Applicant is not seeking to offer or provide basic local telecommunications service or exchange access service.



FILED

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

MAR 20 1997

MISSOURI  
PUBLIC SERVICE COMMISSION

In the matter of the application of the City of Springfield, )  
Missouri, through the Board of Public Utilities, for a )  
certificate of service authority to provide non-switched local )  
exchange and intrastate interexchange telecommunications )  
services to the public within the State of Missouri and for )  
competitive classification. )

Case No. TA-97-313

**SOUTHWESTERN BELL TELEPHONE COMPANY'S  
REPLY TO CITY OF SPRINGFIELD'S OBJECTIONS TO INTERVENTION**

Contrary to what the City of Springfield would like the Commission to believe, this is not the standard certification case. Moreover, the City of Springfield misunderstands the concern Southwestern Bell Telephone Company (SWBT) raised in its Application to Intervene: it's not regulatory overlap, but the potential conflicting interests the City will have as regulator and competitor.

1. This Case is Unique. While City of Springfield seeks the standard authority to provide non-switched local exchange and intrastate interexchange telecommunications services, the City is not the standard applicant. Rather, it is a utility owned and operated by the City of Springfield. All of the applicants that have previously sought such certification have been private or publicly held companies seeking to enter the market as a new competitor. None of the other applications now pending before the Commission involve a municipally-owned utility -- nor did any of the 100 or more applications the Commission has processed and granted over the years. These issues presented by the City's application are novel and should be examined by the Commission.

2. City of Springfield's Regulatory Authority Causes a Potential Conflict of Interest.  
Not Regulatory Overlap. City of Springfield misunderstands the concern SWBT raised in its

Application to Intervene. The issue is not whether the Commission's and the City's regulatory authority over SWBT overlap. Rather, it is whether the potential for abuse of the City's regulatory and taxing authority over competitors makes granting certification here against the public interest. The attached articles, recently published in the Springfield News-Leader, show that even the Mayor of Springfield has concerns about the potential for a conflict of interest and that these issues need to be addressed.

WHEREFORE, SWBT respectfully requests the Commission to grant its Application to Intervene.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

BY



PAUL G. LANE	#27011
LEO J. BUB	#34326
ANTHONY K CONROY	#35199
DIANA J. HARTER	#31424

Attorneys for Southwestern Bell  
Telephone Company  
100 North Tucker, Room 630  
St. Louis, Missouri 63101-1976  
314-247-3060 (Telephone)  
314-247-0881 (Fax)

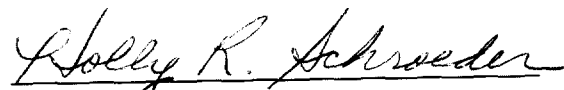
## CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 1998, a true and correct copy of the foregoing Comments of Southwestern Bell Telephone Company (including the attached exhibits) was served by hand delivery upon the following:

James Baller  
Lana L. Meller  
Cheryl Flax-Davidson  
The Baller Law Group, PC  
1820 Jefferson Place, N.W.  
Suite 200  
Washington, D.C. 20036

Janice M. Myles  
Common Carrier Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Room 544  
Washington, D.C. 20554

International Transcription Services, Inc.  
1231 20th Street, N.W.  
Washington, D.C. 20036

  
Holly R. Schroeder